

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONALD LANES and SASHA LANES,

Plaintiffs,

v.

GARRISON PROPERTY AND
CASUALTY INSURANCE COMPANY, a
foreign corporation,

Defendant.

CIVIL ACTION FILE
NO. _____

NOTICE OF REMOVAL

Defendant Garrison Property and Casualty Insurance Company (“Garrison”) pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, files this Notice of Removal from the Superior Court of Gwinnett County, showing the Court as follows:

1. A civil action was filed on June 6, 2023, by the above-named plaintiffs in the Superior Court of Gwinnett County, Georgia, bearing Civil Action File Number 23-A-04920-7. The Complaint and Summons and all filings served on this defendant are attached collectively hereto as Exhibit “A”.

2. Garrison was served with the above-described lawsuit on June 14, 2023. Now, within thirty days of service of the complaint, Garrison removes the case to this court.

3. Plaintiffs Donald and Sasha Lanes live in Rockdale County, Georgia and maintain their permanent residence and domicile in the State of Georgia. Therefore, Plaintiffs are citizens of Georgia for purposes of federal diversity jurisdiction.

4. Garrison is incorporated under the laws of Texas with its principal place of business in Texas. Thus, Garrison is a citizen of Texas for purposes of federal diversity jurisdiction.

5. Complete diversity of citizenship exists between the parties.

6. In their complaint, Plaintiffs allege economic damages of \$47,575.50. Plaintiffs further claim they are entitled to an additional fifty percent (50%) of that sum as a penalty as well as attorney's fees for Garrison's alleged bad-faith breach of the policy under O.C.G.A. § 33-4-6. "When a statute authorizes the recovery of attorney's fees, a reasonable amount of those fees is included in the amount in controversy." *Morrison v. Allstate Indem. Co.*, 228 F.3d 1255, 1265 (2000). Accordingly, the amount in controversy exceeds \$75,000.00, exclusive of interests and costs.

7. Defendant will file a Notice of Filing of this Notice of Removal with the Clerk of the Superior Court of Gwinnett County, Georgia, with service on plaintiff's counsel, as shown in Exhibit "B".

WHEREFORE, this Court now has jurisdiction over this action.

FREEMAN MATHIS & GARY, LLP

/s/ W. Shawn Bingham

W. SHAWN BINGHAM

Georgia Bar No. 839706

sbingham@fmglaw.com

ADAM P. REICHEL

Georgia Bar No. 377812

adam.reichel@fmglaw.com

*Counsel for Defendant Garrison Property
and Casualty Insurance Company*

100 Galleria Parkway, Suite 1600
Atlanta, Georgia 30339-5948
(770) 818-0000
(770) 937-9960 (Fax)

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing **Notice of Removal** with the clerk of court using the CM/ECF system, which will automatically send electronic mail notification and a copy of such filing to counsel of record who are CM/ECF participants, addressed as follows:

Michal D. Turner
Foster L. Peebles
The Huggins Law Firm, LLC
110 Norcross Street
Roswell, GA 30075
mdturner@lawhuggins.com
fpeebles@lawhuggins.com

This 13th day of July 2023

FREEMAN MATHIS & GARY, LLP

/s/ W. Shawn Bingham
W. SHAWN BINGHAM
Georgia Bar No. 839706
sbingham@fmglaw.com